

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHARON SHERER,)
Plaintiff,)
v.) Case No. 18-cv-1308
REALTY INCOME ILLINOIS PROPERTIES 3,)
LLC and AMC ENTERTAINMENT, INC. d/b/a)
AMC SHOWPLACE EDWARDSVILLE 12,)
Defendants.)

NOTICE OF REMOVAL

NOW COME Defendants, REALTY INCOME ILLINOIS PROPERTIES 3, LLC and AMERICAN MULTI-CINEMA, INC. (incorrectly identified in Plaintiff's Complaint as AMC ENTERTAINMENT, INC., d/b/a AMC SHOWPLACE EDWARDSVILLE 12), by and through their undersigned counsel, Hinshaw & Culbertson, LLP, and pursuant to 28 U.S.C. 1441, 1446, hereby invoke this Court's jurisdiction under the provisions of 28 U.S.C. 1332 and state the following grounds for removal:

1. On April 3, 2018, Plaintiff filed a Complaint against Defendants in the Circuit Court, Third Judicial Circuit, Madison County, Illinois, Case No. 2018-L-000435 ("the State Court Case"). A true and accurate copy of all documents filed in the State Court Case is attached hereto and incorporated herein by reference as **Exhibit A**.
2. Plaintiff served her Complaint on Defendants on May 22, 2018
3. Under 28 U.S.C. 1446(b), a notice of removal may be filed within 30 days after receipt by a defendant of a pleading from which it may first be ascertained that the case is removable. As such, this Notice of Removal is timely filed under 28 U.S.C. 1446(b).

4. Pursuant to 28 U.S.C. 1446(a), the State Court Case may be removed to this Court, being the United States District Court for the Southern District of Illinois, which embraces Madison County, Illinois within its jurisdiction.

5. This Notice of Removal is being filed pursuant to 28 U.S.C. 1332, 1441, and 1446 based upon diversity jurisdiction.

6. Pursuant to 28 U.S.C. 1332(a)(1), a district court has original jurisdiction of all civil actions between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

7. The United States District Court for the Southern District of Illinois has jurisdiction over Plaintiff's claims due to diversity of citizenship of the parties, which is as follows:

- a. Paragraph 1 of the Complaint alleges Plaintiff is a resident of Illinois. Therefore, upon information and belief, Plaintiff is a citizen of Illinois.
- b. American Multi-Cinema, Inc. is a Missouri corporation with its principal place of business in Missouri. Therefore, American Multi-Cinema, Inc. is a citizen of Missouri for purposes of diversity jurisdiction.
- c. Realty Income Illinois Properties 3, LLC ("Realty Income") is a limited liability company. As a limited liability company, Realty Income's citizenship turns upon the citizenship of its members. Realty Income's sole member is Realty Income Corporation, which is a Maryland corporation with its principal place of business in California. Therefore, Realty Income is a citizen of Maryland and California for purposes of diversity jurisdiction.

8. Upon information and belief, the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000. In support of her Complaint, Plaintiff executed an Affidavit averring that her damages exceed the sum of \$50,000. *See Ex. A.* Moreover, the Complaint alleges Plaintiff "sustained severe and permanent injuries," and that Plaintiff "has spent and will

spend and will become liable for large sums of money for medically necessary treatment.” ¶¶
15, 16, 22, 23.

9. As such, there is a good faith basis to believe that the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000. Defendants, however, deny liability to Plaintiff.

10. Thus, removal to this Court is proper under 28 U.S.C. 1332, 1441, and 1446, as complete diversity of citizenship exists between Plaintiff and Defendants and because the amount in controversy exceeds the sum of \$75,000.

11. Attorney for Plaintiff, Joshua R. Evans, The Unsell Law Firm, P.C., 69 S. 9th Street, East Alton, IL 62024, is hereby notified that the aforementioned case has been removed to the United States District Court, Southern District of Illinois.

12. A Notice of Filing of Notice of Removal and a copy of this Notice of Removal are being filed in the Third Judicial Circuit, Madison County, Illinois and copies of the same are being mailed to counsel for Plaintiff pursuant to 28 U.S.C. 1446. The Notice of Filing of Notice of Removal is attached hereto as **Exhibit B**.

WHEREFORE, for the foregoing reasons, Defendants pray this action be removed in its entirety from the Circuit Court for the Third Judicial Circuit, Madison County, Illinois to the United States District Court, Southern District of Illinois and for any other relief that the Court deems just and equitable under the circumstances.

Dated: 6/21/18

ATTORNEYS FOR DEFENDANTS
REALTY INCOME ILLINOIS PROPERTIES
3, LLC AND AMERICAN MULTI-CINEMA,
INC.

HINSHAW & CULBERTSON LLP

By: /s/ Kyle Christopher Oehmke
One of Their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2018, I caused the **DEFENDANTS' NOTICE OF REMOVAL** to be electronically filed with the Clerk of the Court through the CM/ECF system with a copy of the same to be served by regular mail to the following:

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